

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Iowa Administrative Code.

This amendment sets Medicaid reimbursement policy for translation or interpretation services provided in connection with the use of Medicaid services by members whose primary language is not English. Provision of translation or interpretation services for persons with limited English proficiency is required by Title VI of the Civil Rights Act of 1964 for federally funded programs. The Children’s Health Insurance Program Reauthorization Act of 2009 raises the level of federal reimbursement for these services in the Medicaid program.

Under this amendment, the Department sets a fee for translation and interpretation services, and providers whose reimbursement is determined by a fee for service may bill this service in addition to the Medicaid service provided. Providers whose reimbursement is cost-based are already able to include these expenses in their cost reports.

This amendment does not provide for waivers in specified situations because the changes benefit the providers affected. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

This amendment was also Adopted and Filed Emergency and was published in the Iowa Administrative Bulletin on July 1, 2009, as **ARC 7937B**. Notice of Intended Action to solicit comment on the amendment was published on the same date as **ARC 7938B**. The Department received two comments on the Notice of Intended Action, one for and one against the concept of paying for translation and interpretation.

The Department has made one change to the amendment as previously adopted, to clarify the conditions for payment of these services. The following sentence has been added to paragraph 79.1(19)“b”: “In order for translation or interpretation to be covered, it must be provided by separate employees or contractors solely performing translation or interpretation activities.”

This amendment is intended to implement Iowa Code section 249A.4 and 2009 Iowa Acts, Senate File 389, section 38(5).

This amendment shall become effective on November 11, 2009, at which time the amendment that was Adopted and Filed Emergency is rescinded.

The following amendment is adopted.

Adopt the following **new** subrule 79.1(19):

79.1(19) *Reimbursement for translation and interpretation services.* Reimbursement for translation and interpretation services shall be made to providers based on the reimbursement methodology for the provider category as defined in subrule 79.1(2).

a. For those providers whose basis of reimbursement is cost-related, translation and interpretation services shall be considered an allowable cost.

b. For those providers whose basis of reimbursement is a fee schedule, a fee shall be established for translation and interpretation services, which shall be treated as a reimbursable service. In order for translation or interpretation to be covered, it must be provided by separate employees or contractors solely performing translation or interpretation activities.

[Filed 9/17/09, effective 11/11/09]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 10/7/09.